

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Rahmeil Sutton, #257025)	C/A No. 8:05-1685-JFA-BHH
)	
Plaintiff,)	
v.)	ORDER
)	
Officer NFN Hilton; Officer NJN Wilson;)	
Sgt. NFN Skipper; and Officer NFN Meyers,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff initiated this action against the defendants pursuant to 42 U.S.C. § 1983. In accordance with established procedures in this District, the case was referred to a Magistrate Judge for pretrial handling. The Magistrate Judge requested that the plaintiff answer special interrogatories regarding his claims. On July 7, 2005, the plaintiff filed a motion for a temporary restraining order. On July 21, 2005, he filed a motion to dismiss so that he may first exhaust his administrative remedies. No service of process on the defendant has been authorized.

For good cause shown, the court will grant the plaintiff's motion and dismiss this action without prejudice. The clerk shall terminate the motion for temporary restraining order as moot.

IT IS SO ORDERED.

September 7, 2005
Columbia, South Carolina

/s/ Joseph F. Anderson, Jr.
United States District Judge